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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

Mark R. Hoop, et al., )  
Plaintiffs, ) Civil Action No. C-1-00-869  
v. )  
Jeffrey W. Hoop, et al., ) District Judge Susan J. Dlott  
Defendants. )

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION  
REGARDING NOTICES TO PATENT AND COPYRIGHT OFFICES**

Defendants have moved the Court for an Order declaring invalid Plaintiffs' patent and their copyright registrations, that related notices and filings be made, that Defendants be declared to be the inventors of the patented ornamental design, and that Plaintiffs be permanently enjoined from infringing Defendants' patent and from further use of eagle design copyrights.

Defendants' motion is premature. Until a final, non-appealable judgment is entered, the requested relief is not warranted. And Defendants have cited no authority in support of a grant of their requested relief at this juncture in the proceedings. In that regard, there is presently pending before the Court for determination PLAINTIFFS' RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW OR, IN THE ALTERNATIVE, FOR A NEW TRIAL OR AMENDMENT OF THE JUDGMENT, in which Plaintiffs request relief that is contrary to and inconsistent with the relief requested by Defendants.

Until Plaintiffs JMOL motion is decided and a ruling thereon is entered by this Court, and until after any judgment has become final by virtue of there being no further right of appeal, this motion should be denied without prejudice to its resubmission at the proper time.

**CONCLUSION**

Defendants' motion should be denied as untimely.

Respectfully submitted,



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Of Counsel:

Timothy A. Magee, Esq.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION REGARDING NOTICES TO PATENT AND COPYRIGHT OFFICES was served upon counsel for Defendants this 15<sup>th</sup> day of March 2004, by mailing a copy of the same by first-class mail, postage prepaid, in an envelope addressed as follows:

Stella B. House, Esq.  
STELLA B. HOUSE, ATTORNEY-AT-LAW, P.S.C.  
Post Office Box 422  
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Mar. 15, 2004  
Date

  
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Alfred J. Mangels  
Trial Attorney for Plaintiffs